

**BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**CHRIS PHILIPPS ALTURAS
1728 B Cabana Avenue
West Covina, CA 91790
Civil Engineer License No. C 28903**

Respondent.

Case No. 840-A

OAH No. L-2009080834

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 10, 2010.

It is so ORDERED August 11, 2010.

Original Signed

FOR THE BOARD FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 SCOTT J. HARRIS
Deputy Attorney General
4 State Bar No. 238437
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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Attorneys for Complainant

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8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 **CHRIS PHILIPPS ALTURAS**
12 **1728 B Cabana Avenue**
13 **West Covina, CA 91790**
Civil Engineer License No. C 28903

14 Respondent.

Case No. 840-A

OAH No. L-2009080834
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15
16 In the interest of a prompt and speedy settlement of this matter, consistent with the public
17 interest and the responsibility of the Board for Professional Engineers and Land Surveyors of the
18 Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement
19 and Disciplinary Order which will be submitted to the Board for approval and adoption as the
20 final disposition of the Accusation.

21 **PARTIES**

22 1. David E. Brown (Complainant) is the Executive Officer of the Board for Professional
23 Engineers and Land Surveyors (Board), and he succeeds Joanne Arnold as the Complainant in
24 this matter. This action was brought solely in Ms. Arnold's and Mr. Brown's official capacities,
25 and they are represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
26 California, by Scott J. Harris, Deputy Attorney General.

27 2. Respondent Chris Philipps Alturas is representing himself in this proceeding and has
28 chosen not to exercise his right to be represented by counsel.

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2 3. On or about July 12, 1978, the Board issued Civil Engineer License No. C 28903 to
3 Respondent. The Civil Engineer License was in full force and effect at all times relevant to the
4 charges brought in Accusation No. 840-A and will expire on March 31, 2011, unless renewed.

5 JURISDICTION

6 4. Accusation No. 840-A was filed before the Board and is currently pending against
7 Respondent. The Accusation and all other statutorily required documents were properly served
8 on Respondent on May 18, 2009. Respondent timely filed his Notice of Defense contesting the
9 Accusation. A copy of Accusation No. 840-A is attached as Exhibit A and incorporated herein by
10 reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 840-A. Respondent has also carefully read, and understands the effects of this
14 Stipulated Settlement and Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
19 the attendance of witnesses and the production of documents; the right to reconsideration and
20 court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 8. Respondent understands and agrees that the charges and allegations in Accusation
26 No. 840-A, if proven at a hearing, constitute cause for imposing discipline upon his Civil
27 Engineer License.

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9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

10. Respondent agrees that his Civil Engineer License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board for Professional Engineers and Land Surveyors. Respondent understands and agrees that counsel for Complainant and the staff of the Board for Professional Engineers and Land Surveyors may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw from this agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, and, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Civil Engineer License No. C 28903, issued to Respondent Chris Philipps Alturas, is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. **Obey All Laws.** The Respondent shall obey all laws and regulations related to the practices of professional engineering and professional land surveying.

2. **Submit Reports.** The Respondent shall submit such special reports as the Board may require.

3. **Tolling of Probation.** The period of probation shall be tolled during the time the Respondent is practicing, and/or, living exclusively outside the state of California. If, during the period of probation, the Respondent practices or resides exclusively outside the state of California, the Respondent shall immediately notify the Board in writing. For purposes of this term of probation, Respondent shall notify the Board when he intends to be out of the State of California for more than thirty (30) consecutive days. Any amount of time in excess of thirty (30) days spent out of the State of California at any given time shall not count to the reduction of the probationary period.

4. **Violation of Probation.** If the Respondent violates the probationary conditions in any respect, the Board, after giving the Respondent notice and the opportunity to be heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of probation, an accusation or petition to vacate stay is filed against the Respondent, or if the matter has been submitted to the Office of the Attorney General for the filing of such, the Board shall have continuing jurisdiction until all matters are final, and the period of probation shall be extended until all matters are final.

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1 5. **Completion of Probation.** Upon successful completion of all of the probationary
2 conditions and the expiration of the period of probation, the Respondent's license shall be
3 unconditionally restored.

4 6. **Cost Recovery.** The Respondent is hereby ordered to reimburse the Board the
5 amount of \$2,000.00 within three and one-half ($3^{1/2}$) years of the effective date of this decision for
6 its investigative and prosecution costs. Failure to reimburse the Board's cost of its investigation
7 and prosecution shall constitute a violation of the probation order, unless the Board agrees in
8 writing to payment by an installment plan because of financial hardship.

9 7. **Examination.** Within 60 days of the effective date of the decision, the Respondent
10 shall successfully complete and pass the California Laws and Board Rules examination, as
11 administered by the Board.

12 8. **Ethics Course.** Within three and one-half ($3^{1/2}$) years of the effective date of the
13 decision, the Respondent shall successfully complete and pass a course in professional ethics,
14 approved in advance by the Board or its designee.

15 9. **Notification.** Within 30 days of the effective date of the decision, the Respondent
16 shall provide the Board with evidence that he has provided all persons or entities with whom he
17 has a contractual or employment relationship such that the relationship is in the area of practice of
18 professional engineering and/or professional land surveying in which the violation occurred with
19 a copy of the decision and order of the Board and shall provide the Board with the name and
20 business address of each person or entity required to be so notified. During the period of
21 probation, the Respondent may be required to provide the same notification of each new person
22 or entity with whom he has a contractual or employment relationship such that the relationship is
23 in the area of practice of professional engineering and/or land surveying in which the violation
24 occurred and shall report to the Board the name and address of each person or entity so notified.

25 10. **Take and Pass College-Level Courses.** Within three and one-half ($3^{1/2}$) years of the
26 effective date of the decision, Respondent shall successfully complete and pass, with a grade of
27 "C" or better, three (3) college-level courses in land surveying, approved in advance by the Board
28 or its designee. Such courses shall be specifically related to the area of violation. For purposes of

1 this subdivision, "college-level course" shall mean a course offered by a community college or a
2 four-year university of three semester units or the equivalent; "college-level course" does not
3 include seminars.

4 11. **Records.** For any records of survey and/or corner records found not to have been
5 filed and recorded, the Respondent shall file or record, as appropriate, the required record(s) with
6 the appropriate governmental agency within 90 days of the effective date of the decision. The
7 Respondent shall provide the Board with verifiable proof that the required record(s) have been
8 filed or recorded, as appropriate, by the governmental agency within 30 days of such filing or
9 recordation.

10 12. **Applications.** The Decision and Order of the Board may be used against Respondent
11 for purposes of any other license application before the Board, or Statement of Issues seeking to
12 deny or restrict licensure.

13 13. **Restitution.** The Respondent shall provide verifiable proof to the Board that
14 restitution has been paid in the amount of \$400.00 to consumer Marie Puga within one (1) year of
15 the effective date of the decision. Respondent shall remit payment by certified check or money
16 order to Marie Puga at an address provided by the Board.

17 ACCEPTANCE

18 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
19 stipulation and the effect it will have on my Civil Engineer License. I enter into this Stipulated
20 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
21 bound by the Decision and Order of the Board for Professional Engineers and Land Surveyors.

22 DATED: 6/22/10

Original Signed
CHRIS PHILIPPS ALTURAS
Respondent

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1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Board for Professional Engineers and Land Surveyors of the
4 Department of Consumer Affairs.

5 Dated: 6/24/10

Respectfully Submitted,

6 EDMUND G. BROWN JR.
7 Attorney General of California
8 GLORIA A. BARRIOS
9 Supervising Deputy Attorney General

10 *Original Signed*

11 SCOTT J. HARRIS
12 Deputy Attorney General
13 *Attorneys for Complainant*

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Exhibit A

Accusation No. 840-A

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 SCOTT J. HARRIS, State Bar No. 238437
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
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5 Telephone: (213) 897-2554
Facsimile: (213) 897-2804

6 Attorneys for Complainant

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8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 840-A

11 CHRIS PHILIPPS ALTURAS
12 3644 Puente Avenue
13 Baldwin Park, CA 91706

A C C U S A T I O N

14 Civil Engineer License No. C 28903

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Joanne Arnold (Complainant) brings this Accusation solely in her official
20 capacity as the Interim Executive Officer of the Board for Professional Engineers and Land
21 Surveyors (Board), Department of Consumer Affairs.

22 2. On or about July 12, 1978, the Board for Professional Engineers and Land
23 Surveyors issued Civil Engineer License Number C 28903 to Chris Philipps Alturas
24 (Respondent). Pursuant to Business and Professions Code section 8731, Respondent may also
25 practice Land Surveying. The Civil Engineer License was in full force and effect at all times
26 relevant to the charges brought herein and will expire on March 31, 2009, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 6775 of the Code, in pertinent part, states:

“The board may receive and investigate complaints against registered professional engineers, and make findings thereon. By a majority vote, the board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

....

(c) Who has been found guilty by the board of negligence or incompetence in his or her practice.

(d) Who has been found guilty by the board of any breach or violation of a contract to provide professional engineering services.

....

(f) Who aids or abets any person in the violation of any provision of this chapter.

....

(h) Who violates any provision of this chapter.”

5. Section 6738 of the Code, in pertinent part, states:

“(a) This chapter does not prohibit one or more civil, electrical, or mechanical engineers from practicing or offering to practice within the scope of their license civil (including geotechnical and structural), electrical, or mechanical engineering as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if all of the following requirements are met:

....

(3) If the business name of a California engineering business contains the name of any person, then that person shall be licensed as a professional engineer, a licensed land surveyor, a licensed architect, or a geologist registered under the Geologist Act (Chapter 12.5 (commencing with Section 7800)). Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of an individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.”

6. Section 6749 of the Code, in pertinent part, states:

“(a) A professional engineer shall use a written contract when contracting to provide professional engineering services to a client pursuant to this chapter. The written contract shall be executed by the professional engineer and the client, or his or her representative, prior to the professional engineer commencing work, unless the client knowingly states in writing that work may be

1 commenced before the contract is executed . The written contract shall include,
2 but not be limited to, all of the following:

....

3 (4) A description of the procedure that the professional engineer
4 and the client will use to accommodate additional services.

5 (5) A description of the procedure to be used by any party to
6 terminate the contract.”

7 7. Section 8704 of the Code states:

8 “Any person practices land surveying when he professes to be a land surveyor or
9 is in responsible charge of land surveying work.”

10 8. Section 8708 of the Code states:

11 “In order to safeguard property and public welfare, no person shall
12 practice land surveying unless appropriately licensed or specifically exempted
13 from licensure under this chapter, and only persons licensed under this chapter
14 shall be entitled to take and use the titles "licensed land surveyor," "professional
15 land surveyor," or "land surveyor," or any combination of these words, phrases, or
16 abbreviations thereof.”

17 9. Section 8729 of the Code, in pertinent part, states:

18 “(a) This chapter does not prohibit one or more licensed land
19 surveyors or civil engineers licensed in this state prior to 1982 (hereinafter called
20 civil engineers) from practicing or offering to practice within the scope of their
21 licensure, land surveying as a sole proprietorship, partnership, firm, or corporation
22 (hereinafter called business), if the following conditions are satisfied:

....

23 (3) If the business name of a California land surveying business
24 contains the name of a person, then that person shall be licensed by the board as a
25 land surveyor or licensed by the board in any year as a civil engineer. Any offer,
26 promotion, or advertisement by the business that contains the name of any
27 individual in the business, other than by use of the name of the individual in the
28 business name, shall clearly and specifically designate the license discipline of
each individual named.”

10. Section 8759 of the Code, in pertinent part, states:

“(a) A licensed land surveyor or registered civil engineer
authorized to practice land surveying shall use a written contract when contracting
to provide professional services to a client pursuant to this chapter. The written
contract shall be executed by the licensed land surveyor or registered civil
engineer and the client, or his or her representative, prior to the licensed land
surveyor or registered civil engineer commencing work, unless the client
knowingly states in writing that work may be commenced before the contract is
executed. The written contract shall include, but not be limited to, all of the
following:

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(4) A description of the procedure that the licensed land surveyor or registered civil engineer and the client will use to accommodate additional services.

(5) A description of the procedure to be used by any party to terminate the contract."

11. Section 8761, subdivision (a), of the Code states:

"Any licensed land surveyor or civil engineer authorized to practice land surveying may practice land surveying and prepare maps, plats, reports, descriptions, or other documentary evidence in connection with that practice. All maps, plats, reports, descriptions, or other documents shall be prepared by, or under the responsible charge of a licensed land surveyor or civil engineer authorized to practice land surveying and shall include his or her name and license number. If the document has multiple pages or sheets, the signature, the seal or stamp, date of signing and sealing or stamping, and expiration date of the license shall appear, at a minimum, on the title sheet, cover sheet or page, or signature sheet."

12. Section 8762 of the Code, in pertinent part, states:

"(b) Notwithstanding subdivision (a), after making a field survey in conformity with the practice of land surveying, the licensed land surveyor or licensed civil engineer shall file with the county surveyor in the county in which the field survey was made a record of the survey relating to land boundaries or property lines, if the field survey discloses any of the following:

(1) Material evidence or physical change, which in whole or in part does not appear on any subdivision map, official map, or record of survey previously recorded or properly filed in the office of the county recorder or county surveying department, or map or survey record maintained by the Bureau of Land Management of the United States.

(2) A material discrepancy with the information contained in any subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States. For purposes of this subdivision, a "material discrepancy" is limited to a material discrepancy in the position of points or lines, or in dimensions.

(3) Evidence that, by reasonable analysis, might result in materially alternate positions of lines or points, shown on any subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States.

(4) The establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record of survey."

13. Section 8771 of the Code states:

“(a) Monuments set shall be sufficient in number and durability and efficiently placed so as not to be readily disturbed, to assure, together with monuments already existing, the perpetuation or facile reestablishment of any point or line of the survey.

(b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor. They shall be reset in the surface of the new construction, a suitable monument box placed thereon, or permanent witness monuments set to perpetuate their location if any monument could be destroyed, damaged, covered, or otherwise obliterated, and a corner record or record of survey filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area. It shall be the responsibility of the governmental agency or others performing construction work to provide for the monumentation required by this section. It shall be the duty of every land surveyor or civil engineer to cooperate with the governmental agency in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of highways, roads, streets or right-of-way or easement lines shall not be deemed adequate for this purpose unless specifically noted on the corner record or record of survey of the improvement works with direct ties in bearing or azimuth and distance between these and other monuments of record.

(c) The decision to file either the required corner record or a record of survey pursuant to subdivision (b) shall be at the election of the licensed land surveyor or registered civil engineer submitting the document.”

14. Section 8780 of the Code states:

“The board may receive and investigate complaints against licensed land surveyors and registered civil engineers, and make findings thereon.

“By a majority vote, the board may reprove, suspend for a period not to exceed two years, or revoke the license or certificate of any licensed land surveyor or registered civil engineer, respectively, licensed under this chapter or registered under the provisions of Chapter 7 (commencing with Section 6700), whom it finds to be guilty of:

(a) Any fraud, deceit, or misrepresentation in his or her practice of land surveying.

(b) Any negligence or incompetence in his or her practice of land surveying.

....

1 (d) Any violation of any provision of this chapter or of any other
2 law relating to or involving the practice of land surveying.

3

4 (f) Aiding or abetting any person in the violation of any provision
5 of this chapter.

6 (g) A breach or violation of a contract to provide land surveying
7 services.”

8 15. Section 125.3 of the Code provides, in pertinent part, that the Board may
9 request the administrative law judge to direct a licentiate found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 **BARNES CIRCLE PROJECT**

13 16. On or about February 26, 2004, the Board received an anonymous
14 complaint against Respondent related to a land surveying project located at 3300 Barnes Circle,
15 Glendale, California, which was later determined to belong to homeowner C.P. (hereinafter, “the
16 Barnes Circle project”). An investigation into the complaint revealed that on or about June 16,
17 2003, homeowner C.P. entered into a contract with Alturas & Alcala, Inc., to perform a
18 topographic survey for the Barnes Circle project, for an estimated fee of \$1,300. A review of the
19 proposal for the Barnes Circle project reveals that Respondent signed the agreement.

20 17. Alturas & Alcala, Inc., is a corporation started in or about December 2002
21 by Respondent and Arturo M. Alcala (hereinafter, “Alcala”). The corporation has never been
22 registered with the Board, and at no time has Alcala been a licensee of the Board.

23 18. In an interview with Respondent, it was determined that in or between
24 April 2003 and June 2003 Alcala practiced land surveying without supervision and signed and
25 stamped plans on Respondent’s behalf. Respondent admitted he did not actively supervise
26 Alcala. Respondent also admitted that he and Alcala performed work for other clients.

27 19. In an interview with Alcala, he admitted that Respondent authorized him
28 to obtain new jobs and sign and stamp on Respondent’s behalf.

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1 20. With respect to the Barnes Circle project, Alcala performed the land
2 survey and drawings. A record of survey was not filed as required, because Alcala claims they
3 ran out of brass tags with Altruas' name and license number. Further, Alcala admitted that he
4 signed and stamped the plans for the Barnes Circle project using Respondent's name and
5 engineering stamp. However, the Barnes Circle project was never completed.

6 FIRST CAUSE FOR DISCIPLINE

7 (Aiding and Abetting in the Violation of Chapter)

8 21. Respondent is subject to disciplinary action under Code sections 8780,
9 subdivision (f), 8704 and 8708, in that Respondent aided and abetted Alcala in the unlicensed
10 practice of professional engineering and land surveying in violation of the law, as more fully
11 discussed in paragraphs 16 through 20, above, which are herein incorporated by reference, as set
12 forth in whole.

13 SECOND CAUSE FOR DISCIPLINE

14 (Violation of Name Style)

15 22. Respondent is subject to disciplinary action under Code sections 6775,
16 subdivision (h), 8780, subdivision (d), 6738, subdivision (a)(3) and 8729, subdivision (a)(3), in
17 that Respondent formed a corporation with Alcala, in the name Style, Alturas & Alcala, Inc.,
18 which contains the name of a person not licensed as a professional engineer, land surveyor,
19 architect or geologist, as more fully discussed in paragraphs 16 through 20, above, which are
20 herein incorporated by reference, as set forth in whole.

21 THIRD CAUSE FOR DISCIPLINE

22 (Violation of Chapter)

23 23. Respondent is subject to disciplinary action under Code sections 8780,
24 subdivision (d), and 8762, in that Respondent and Alcala failed to file a record of survey after
25 setting monuments which were not shown on any map or record of survey for the Barnes Circle
26 project, as more fully discussed in paragraphs 16 through 20, above, which are herein
27 incorporated by reference, as set forth in whole.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Negligence or Incompetence)

3 24. Respondent is subject to disciplinary action under Code section 8780,
4 subdivision (b), in that Respondent committed negligence or incompetence in the practice of land
5 surveying with respect to the Barnes Circle project, as more fully discussed in paragraphs 16
6 through 20, above, which are herein incorporated by reference, as set forth in whole.

7 SOUTH CITRUS PROJECT

8 25. On or about September 6, 2002, Respondent entered into a contract with
9 M.P., for civil engineering services for the parcel located at 1033 South Citrus Avenue, City of
10 West Covina, California (hereinafter, the "South Citrus project [or parcel]"). The contract failed
11 to specify a description of the process for additional services, and the process for terminating the
12 contract. M.P. never made any payments related to the contract for civil engineering services.

13 26. On or about the same date, Respondent and M.P. entered into a
14 contract for land surveying services to prepare a boundary and topographical survey for the South
15 Citrus project. The contract failed to include a description of the process for additional services,
16 and the process for terminating the contract. M.P. made a \$400 down payment for the contract.
17 The land surveying services were never completed.

18 FIFTH CAUSE FOR DISCIPLINE

19 (Negligence or Incompetence in Civil Engineering)

20 27. Respondent is subject to disciplinary action under Code section 6775,
21 subdivisions (c), for committing negligence or incompetence in the practice of civil engineering,
22 in that Respondent's contract lacked provisions for additional services and the process for
23 termination of the contract, in violation of Code section 8759, as more fully discussed in
24 paragraphs 25 and 26, above, which are herein incorporated by reference, as set forth in whole.

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1 e. Respondent failed to conduct boundary resolution, in that Respondent
2 failed to locate, tie, and interpret nearby monuments and adjoining deed that would have
3 controlled boundaries.

4 f. Respondent failed to set durable monuments, in that Respondent only set
5 2" wooden hubs along the west boundary of the South Citrus Parcel, which failed to comply with
6 Code section 8771.

7 EIGHTH CAUSE FOR DISCIPLINE

8 (Violation of Chapter Related to Land Surveying)

9 30. Respondent is subject to disciplinary action under Code section 8780
10 subdivision (h), in that Respondent violated the following Code with respect to the South Citrus
11 project:

12 a. Code section 8759, subdivisions (a)(4) and (a)(5). Contract lacked required
13 provisions for additional service and process for the termination of the contract

14 b. Code section 8762. Respondent failed to file a record of survey as
15 required.

16 c. Code section 8771. Respondent failed to comply with sufficient
17 monumentation on the South Citrus project.

18 NINTH CAUSE FOR DISCIPLINE

19 (Breach of Contract)

20 31. Respondent is subject to disciplinary action under Code section 8780,
21 subdivision (g), in that Respondent breached a contract to provide land surveying services with
22 respect to the South Citrus project, as more fully discussed in paragraphs 25 and 26, above,
23 which are herein incorporated by reference, as set forth in whole.

24 TENTH CAUSE FOR DISCIPLINE

25 (Fraud, Deceit or Misrepresentation)

26 32. Respondent is subject to disciplinary action under Code section 8780,
27 subdivision (a), in that Respondent committed fraud, deceit or misrepresentation with respect to
28 the South Citrus project. Specifically, Respondent received a \$400 down payment for land

1 surveying services and failed to complete the project, as more fully discussed in paragraphs 25
2 and 26, above which are herein incorporated by reference as set forth in whole.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board for Professional Engineers and Land Surveyors
6 issue a decision:

- 7 1. Revoking or suspending Civil Engineer License Number C 28903, issued
8 to Chris Philipps Alturas;
9 2. Ordering Chris Philipps Alturas to pay the Board for Professional
10 Engineers and Land Surveyors the reasonable costs of the investigation and enforcement of this
11 case, pursuant to Business and Professions Code section 125.3;
12 3. Taking such other and further action as deemed necessary and proper.
13

14 DATED: 4/23/09
15

16 Original Signed
17 JOANNE ARNOLD
18 Interim Executive Officer
19 Board for Professional Engineers and Land Surveyors
20 Department of Consumer Affairs
21 State of California
22 Complainant
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